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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,946

Applicant(s)

WALKER ET AL.

Examiner

Sean M. Michalski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 28-30, 33-43 and 81-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 28-30, 33-43 and 81-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Summary of rejections:

Claims 1, 2, 4, 6, 9, 10, 11, 15, 28, and 81-84, 86 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc.

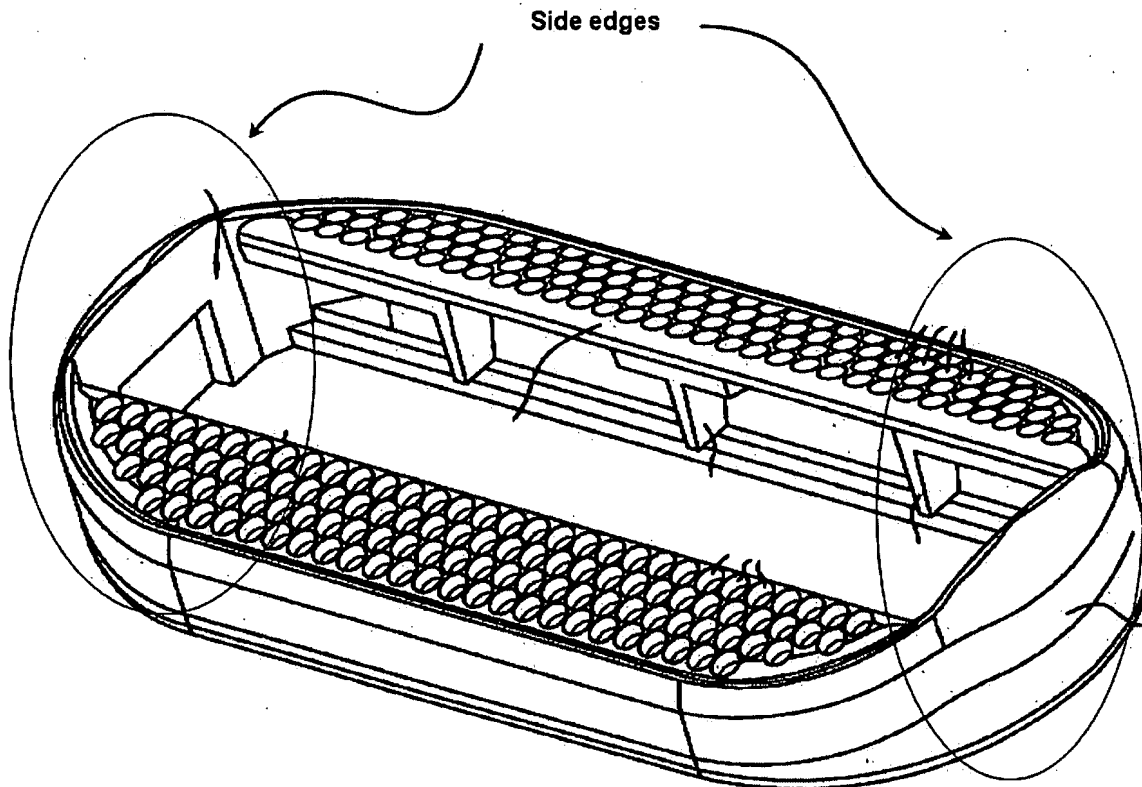
Claims 3, 5, 7, 8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. in view of Rozenkranc in view of Anderson et al. (USPN 5,761,814)

Claims 13, 14, 16-21, 30, 33-43, 85 and 87-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc in view of Anderson as applied to claims 3, 5, 7, 8, and 12 above, and further in view of Parmley.

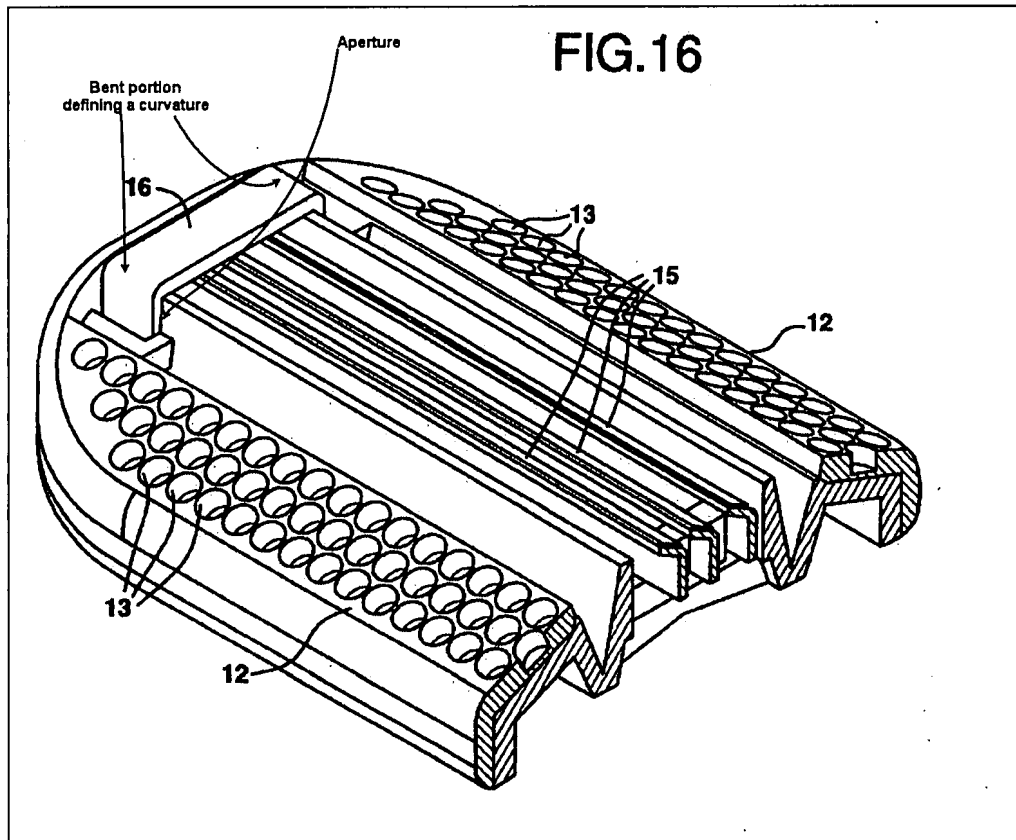
Claims 22, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc in view of Anderson further in view of Parmley as applied to claims 13-14, 16-21, 30 and 33-43 above, and further in view of Rozenkranc (USPN 6,276,061).

1. Claims 1, 2 4, 6, 9 ,10, 11, 15 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc.

Regarding claim 1, Brown discloses a shaving blade unit (figure 14) comprising: a housing having a front edge (12 on the left, figure 14), a rear edge (12 on the right, figure 14) and side edges (see figure below)



extending between the front and rear edges, the housing defining an aperture (see below, the fact that there are multiple apertures is also implied by the figures)



between the front and rear edges; one or more shaving blades between the front edge and the rear edge (seen in figure 14), the one or more blades having cutting edges arranged to define a cutting region (the "shaving surface" of figure 12 is a cutting region); and a clip arranged to retain the one or more shaving blades on the housing(see clip 16, figure 14), the clip having a leg received by the aperture(the leg of 16 can be seen to depend into one of the apertures in figure 14 or 16), the leg having a bent portion defining a curvature (16 is bent at approximately a 90 degree angle as seen in figure 14) to secure the clip to the housing (the legs of the clip secure it to the housing, as demonstrated in figure 14). Brown et al. discloses a trimming blade assembly (the blades 15 in figure 15 are a trimming blade assembly) retained on the housing by a clip wherein a leg of the clip extends through an opening defined by the trimming blade

assembly (this is seen in figure 15, the leg depending into an aperture defined by the outside perimeter of the trimming blade assembly).

Brown does not disclose that when the trimming blade assembly is "in contact with a user's skin, the cutting edges of the one or more shaving blades are disposed on a surface facing away from a surface contacting the users skin".

Rozenkranc teaches a trimming blade assembly positioned such that when the trimming blade assembly is "in contact with a user's skin, the cutting edges of the one or more shaving blades are disposed on a surface facing away from a surface contacting the users skin". See figure 3a, which shows this quite clearly. Rozenkranc teaches having a trimming blade 4 face away from a top surface (the top surface being either 5 or 6, since both are proximal to the shaving blades 3 in Rozenkranc). This style of trimming blade is clearly different than the trimming blade as seen in Brown, however it is also prima facie clear from Rozenkranc that the trimming blade of Rozenkranc has separate marketability.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brown by having the trimming blade be oriented in a direction away from the top surface, so that the user would have multiple options when positioning the razor. The motivation to combine the trimming blade of Rozenkranc with the razor of Brown is that by providing multiple options for positioning the razor, an additional level of marketability is added to the razor. It is known that providing additional features is desirable to enhance the marketability of a product. Since the trimming blade of Brown is retained by clip, it follows that the clip would still be used to retain the trimming blade

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when it is reoriented, as per Rozenkranc. See *In re Japikse*, 86 USPQ 70 which held that rearranging the parts of an invention involves only routine skill in the art. Also see *In re Rose* 105 USPQ 237 (CCPA 1955) and also *In re Yount* (36 C.C.P.A. (Patents) 775, 171 F.2d 317, 80 USPQ 141 which show that It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the clip length as necessary to retain all the blades (trimming and shaving) since it has been held that changing the size or range of an article is not ordinarily a matter of invention. Appropriate selection of size, weight, ratios, etc. is considered routine, and is typically a matter of design choice.

Additionally and/or alternatively, It has been held that the combination of elements known in the prior art to be used in accordance with their known functions *is unpatentable as a matter of law* absent a showing that the combination has results which are *unexpectedly* advantageous over the prior art. Please see *Sakraida v. Ag Pro, Inc.* U.S. Supreme Court No. 75-110 425 US 273, 189 USPQ 449 (1976), Which states "patent[s] for combination that only unites old elements with no change in their respective functions withdraws what is already known into field of its monopoly and diminishes resources available to skillful men" and [a] patent [which] simply arranges old elements with each performing the same function it had been known to perform, although perhaps producing a more striking result than in previous combinations...are not patentable under standards appropriate for a combination patent"; also see *Anderson's Black Rock, Inc. v. Pavement Salvage Co., Inc.* U.S. Supreme Court 396 US 57, 163 USPQ 673 (1969) which states "while the combination of old elements performed a useful function, it added nothing to the nature and quality of the radiant-

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heat burner already patented". Similarly here, primary blades, trimming blades, clips and apertures for clips to be received are shown explicitly in the prior art.

The Supreme Court in *KSR International Co. v. Teleflex Inc. et al.* No. 04-1350, 550 U.S. ____ (2007) affirmed both Sakraida and Anderson's requirement that to be patentable a combination needed to provide some synergistic effect. See Slip op. at 13 lines 3-19. Using known elements for their known functions is *as a matter of law not patentable*, since it removes resources available to skillful men, contrary to U.S. Const., Art. I §8, cl.8. which provides patent monopolies to promote the progress of useful arts. See Slip op. *KSR* at 24 lines 5-7.

Each of the elements Housing, primary blades, trimming blade assembly, clips for the retention of blades *in general* and apertures for the reception of clips are known as seen in the cited prior art (above); their combination is unpatentable absent a showing that one of ordinary skill would be unable to effect their combination, or their combination provides unexpectedly good results (more than a duplicated effect).

Additionally and/or Alternatively, The fact that a single clip retains two sets of blades is not inventive and falls under the category of "**ordinary creativity**". See *KSR International Co. v. Teleflex Inc. et al.* No. 04-1350, 550 U.S. ____ (2007) slip op at 17, lines 8 and 9.

Additionally and/or alternatively, a clear reason to use the same clip to retain both the primary and trimming blades is stated in Magrab "Integrated Product and

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Process Design and Development" (*extrinsic*) which is a general reference used in undergraduate mechanical engineering courses. It states, "The basic idea in the design for assembly is to first reduce the number of components (parts, pieces)", and "The principles governing the design for assembly are as follows: 1. Simplify, integrate and reduce the number of parts, because for each part there is an opportunity for a defective part and an assembly error. Fewer parts means less of everything that is needed to manufacture a product." (underlining is original). Since clips are used to retain any type of blade (including those that face in different directions) it is clear that one of ordinary skill in the art would have used the same component "clip" to retain multiple sets of blades, since they are similar and would be capable of similar retention, and integrating the attachment function for both blade sets to a single element (rather than two clips) will allow for a more error free assembly. This is a reason to not use separate clips as applicant suggests to be the "conclusion" of the use of a clip to attach the trimming blade. This rationale would be known to one of ordinary skill, since Magrab is a general engineering reference.

As seen above, multiple legal theories support a showing of *prima facie* obviousness for claim 1. A strong likelihood exists, therefore, that there is no inventive or patentable material claimed, or capable of being claimed that would meet the threshold for patentability.

Regarding claim 2, Brown et al. further discloses a shaving blade wherein the aperture extends from a top surface to a bottom surface of the housing (in figure 13 the

aperture extends from the surface corresponding to the edges of the primary blade structure to the opposite surface). In the alternative, it would have been obvious to have the clip extend through to the other side of the housing, since the modification of the dimensions of an element is within the level of ordinary skill in the art and can be accomplished as a matter of routine design choice.

Regarding claim 4, Brown et al. further discloses that the aperture is between the side edges, as can be clearly seen in figure 13.

Regarding claim 6, Brown et al. further discloses that the leg has a straight portion (the portion of 16 which depends into the housing is straight, as can be seen in figure 14).

Regarding claim 9, Brown et al. further discloses that the clip (16 figure 13) has multiple legs (two legs can be seen depending into the respective apertures (figure 13).

Regarding claim 10, Brown et al. further discloses that the legs extend through corresponding apertures in the housing, between the front and rear edges. Element 16 depends into the housing at the front and rear, and is seen to have corresponding apertures (one in the front and one in the rear).

Regarding claim 11, Brown et al. further discloses that each of the legs has a bent portion defining a respective curvature (bent portions are seen on element 16 in figure 13).

Regarding claim 15, Brown et al. further discloses multiple clips (column 6 lines 50-56) extending into associated apertures (one set is seen in figure 14, the other is defined by column 6 lines 53-56 to be at the opposite end, not shown). The clips are

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arranged to retain one or more blades (seen in figure 14), each of the legs having a bent portion (seen in figure 14), which secures the clip to the housing (as seen in figure 14).

Regarding claim 28, Brown et al. discloses a metal clip that was formed by crimping. Crimping is defined as pressing into folds or curves, which is how the clip 16 of Brown was formed.

Furthermore, the method of forming the device is not germane to the issue of patentability of the device itself. The limitation has been given patentable weight, as far as it infers structure in the clip.

Furthermore, in the alternative, crimping metal is both notorious and well known. Examiner takes official notice that making a metal component with bends using the process of crimping (or folding) is well known.

Regarding claims 81-84 and 86, the combination of Brown and Rozenkranc meets the limitations of these claims. The housings of Brown and Rozenkranc both have tops and bottoms, and when the trimming blade assembly is configured as in Rozenkranc, it defines a cutting region mounted along the rear edge of the bottom surface of the housing. (see the figures of Rozenkranc). The cutting blade also then is facing away from the top surface. (see figures 1 and 2A) Since the connection of Brown is by a clip having legs depending into apertures in the housing, it follows that the same method would be applied to the attachment of the obvious addition- the trimming blade of Rozenkranc in addition to the blade carrier of Brown. See also *In re Japikse*, 86

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USPQ 70 which held that rearranging the parts of an invention involves only routine skill in the art.

2. Claims 3, 5, 7, 8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. in view of Rozenkranc as applied to claims 1, 2, 4, 6, 9, 10, 11, 15 and 28 above, in further view of Anderson et al. (USPN 5,761,814).

Regarding claim 3 Brown et al. does not disclose a shaving blade unit, wherein the leg is bent about at least a portion of the bottom surface of the housing. Brown is silent as to the configuration of the leg at the bottom surface of the housing.

Anderson et al teaches a blade retaining clip which is bent about at least a portion of the bottom surface, as seen in figures 1 and 5.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs bend around a portion of the bottom surface as taught by Anderson, so that the clip is more secure. The motivation to combine is that having a bent portion as opposed to a straight portion is a more secure connection.

Regarding claim 5, Brown et al. does not disclose that the leg is bent about at least a portion of a bottom surface of the housing.

Anderson et al teaches a blade retaining clip which is bent about at least a portion of the bottom surface, as seen in figures 1 and 5.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs bend around a portion of

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the bottom surface as taught by Anderson, so that the clip is more secure. The motivation to combine is that having a bent portion as opposed to a straight portion is a more secure connection.

Regarding claim 7, Brown et al. discloses that the clip has multiple bent portions (at least a front bend and a rear bend, seen in figure 13), but does not disclose that each leg has multiple bent portions.

Anderson teaches that each leg has multiple bent portions (seen in figure 1).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions, as opposed to a single bent portion with a straight portion, is a more secure connection.

Regarding claim 8, Brown et al. does not disclose that the leg has a curvature greater than 90 degrees, but teaches that the curvature is exactly 90 degrees (figure 13). The 'curvature' as defined by applicant is the summation of the angles of the bends a leg makes.

Anderson et al teaches legs (seen in figure 1) with a curvature of greater than 90 degrees (figure 1; there are 2 bends, each having an angle of at least 90 degrees, or in the alternative figure 9 shows 2 different bends, the angles of which add to approximately 120 degrees).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends to

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form a curvature greater than 90 degrees as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions to form a curvature greater than 90 degrees, as opposed to a single bent portion with a straight portion, is a more secure connection

Regarding claim 12, Brown does not teach that each of the legs is bent about a portion of the bottom surface of the housing, but is silent as to their configuration at the bottom surface.

Anderson et al. teaches that each of the legs is bent about at least a portion of the bottom surface (seen clearly in figure 5).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs bend around a portion of the bottom surface as taught by Anderson, so that the clip is more secure. The motivation to combine is that having a bent portion as opposed to a straight portion is a more secure connection.

3. Claims 13, 14, 16-21, 30, 33-43 and 85 and 87-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc in view of Anderson as applied to claims 3, 5, 7, 8, and 12 above, and further in view of Parmley.

Regarding claim 13, Brown et al in view of Rozenkranc in view of Anderson does not teach that the legs have differing curvatures. The structure defined has been composed of metal clips combined with plastic components, so the field of problem

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solving endeavor with which the invention is concerned is use of metal with plastic.

Parmley is a general reference book for all mechanical components, having sections devoted to the problem of connecting plastic and metal, and offers a multitude of examples. Parmley shows asymmetric retaining clips that are adapted to their functions and the structures they connect. This is seen on page 14-9, the circled figure, as well as 20-22 figure 2, figure 8 b and d, as well as the U-clips on page 20-25. The limitation that the legs have differing curvatures lacks criticality in the specification. Clips are made to correspond to and conform around the structures to which they are attached. Since the structure of Brown in view of Anderson is symmetric, it follows that the clips also would be symmetric, and therefore have identical curvatures. If the structure the clip was used to retain however was not symmetrical any person skilled in the art would have adapted the clip of Brown in view of Anderson to conform to the new asymmetrical structure. Furthermore, In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown in view of Anderson by making the clips have differing curvatures as taught by Parmley to prevent vibration damage to the razor. The motivation to combine is that Parmley discloses that metal can be disposed in plastic so as to lessen vibrational loosening.

Regarding claim 14, Anderson teaches that each leg have a curvature greater than 90 degrees (this is especially evident in figures 5 or 9; figure 9 shows 2 different bends, the angles of which add to approximately 120 degrees).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends to

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form a curvature greater than 90 degrees as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions to form a curvature greater than 90 degrees, as opposed to a single bent portion with a straight portion, is a more secure connection.

Regarding claim 16, Brown et al in view of Rozenkranc in view of Anderson does not teach that the legs have differing curvatures. The structure defined has been composed of metal clips combined with plastic components, so the field of problem solving endeavor with which the invention is concerned is use of metal with plastic. Parmley is a general reference book for all mechanical components, having sections devoted to the problem of connecting plastic and metal, and offers a multitude of examples. Parmley shows asymmetric retaining clips that are adapted to their functions and the structures they connect. This is seen on page 14-9, the circled figure, as well as 20-22 figure 2, figure 8 b and d, as well as the U-clips on page 20-25. The limitation that the legs have differing curvatures lacks criticality in the specification. Clips are made to correspond to and conform around the structures to which they are attached. Since the structure of Brown in view of Anderson is symmetric, it follows that the clips also would be symmetric, and therefore have identical curvatures. If the structure the clip was used to retain however was not symmetrical any person skilled in the art would have adapted the clip of Brown in view of Anderson to conform to the new asymmetrical structure. Furthermore, In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown in view of Anderson by making the clips have differing curvatures as taught by Parmley to prevent vibration damage to the

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razor. The motivation to combine is that Parmley discloses that metal can be disposed in plastic so as to lessen vibrational loosening.

Regarding claim 17, Anderson teaches that each leg have a curvature greater than 90 degrees (this is especially evident in figures 5 or 9; figure 9 shows 2 different bends, the angles of which add to approximately 120 degrees).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends to form a curvature greater than 90 degrees as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions to form a curvature greater than 90 degrees, as opposed to a single bent portion with a straight portion, is a more secure connection.

Regarding claim 18, Brown et al. in view of Rozenkranc does not disclose that the leg is bent about at least a portion of a bottom surface of the housing.

Anderson et al teaches a blade retaining clip which is bent about at least a portion of the bottom surface, as seen in figures 1 and 5.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs bend around a portion of the bottom surface as taught by Anderson, so that the clip is more secure. The motivation to combine is that having a bent portion as opposed to a straight portion is a more secure connection.

Regarding claim 19, Brown further discloses that the clips are located in-board of the front, rear and side edges (as seen in figure 14) and are spaced from each other

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(since the clips are on opposite sides of the housing, and do not intersect, they are spaced from each other).

Regarding claim 20, Brown further discloses that each clip is located adjacent to a respective side edge (as seen in figure 14, and described in the specification column 6 lines 53-56). Brown shows each blade to have a blade length (seen in figure 14, the length from the edge to the back of the blade).

Regarding claim 21 Brown discloses an elastomeric member affixed to the housing (12 figure 14). Brown further discloses that the length of the elastomeric member is greater than the length of the blades (since the elastomeric member extends all around the blade structure, the front and rear sections are much longer than the blade edges; this is seen in figure 14).

Regarding claim 30, Brown et al in view of Rozenkranc in view of Anderson does not teach that the legs have differing curvatures. The structure defined has been composed of metal clips combined with plastic components, so the field of problem solving endeavor with which the invention is concerned is use of metal with plastic. Parmley is a general reference book for all mechanical components, having sections devoted to the problem of connecting plastic and metal, and offers a multitude of examples. Parmley shows asymmetric retaining clips that are adapted to their functions and the structures they connect. This is seen on page 14-9, the circled figure, as well as 20-22 figure 2, figure 8 b and d, as well as the U-clips on page 20-25. The limitation that the legs have differing curvatures lacks criticality in the specification. Clips are made to correspond to and conform around the structures to which they are attached. Since the

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structure of Brown in view of Anderson is symmetric, it follows that the clips also would be symmetric, and therefore have identical curvatures. If the structure the clip was used to retain however was not symmetrical any person skilled in the art would have adapted the clip of Brown in view of Anderson to conform to the new asymmetrical structure.

Furthermore, In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown in view of Anderson by making the clips have differing curvatures as taught by Parmley to prevent vibration damage to the razor. The motivation to combine is that Parmley discloses that metal can be disposed in plastic so as to lessen vibrational loosening.

Regarding claim 34, Brown et al. further discloses that the legs extend through corresponding apertures in the housing, between the front and rear edges. Element 16 depends into the housing at the front and rear, and is seen to have corresponding apertures (one in the front and one in the rear)

Regarding claim 35, Brown further discloses the apertures are located between the front and rear edges of the housing (seen in figure 14).

Regarding claim 36, Brown further discloses the apertures are located between the side edges of the housing (seen in figure 14).

Regarding claim 37, while Brown in view of Rozenkranc is silent as to the configuration of legs below the primary shaving surface, Anderson teaches multiple bent portions defining the curvature (as seen in figures 5 and 9).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions, as opposed to a single bent portion with a straight portion, is a more secure connection.

Regarding claim 38, Brown teaches having a straight portion. It can be seen in figure 14, depending into the apertures defined in the housing.

Regarding claim 39, Brown teaches the straight portion depending into the housing, but is silent as to its continuing configuration. It would have been obvious to one skilled in the art at the time of the invention to make the straight portions depend straight through the housing, since the applicant does not state any benefit for this arrangement, nor does it solve any stated problem. Anderson shows clips extending to the opposite side of a housing. Clips are made to correspond to and conform around the structures to which they are attached. See Brown and Anderson- all figures. Since the structure of Brown in view of Anderson is symmetric and the interior of the cavity of Brown is straight all the way through the housing (seen in figure 13), and the clips of Anderson extend to the opposite side of the housing, it follows that the clips would follow (or approximate) this contour, and therefore be straight all the way through the cavity. Since the structure the clip was retained within was straight, any person skilled in the art would have adapted the clip of Brown in view of Anderson to conform to the straight walled cavity (aperture).

Regarding claim 40, Anderson teaches that each leg have a curvature greater than 90 degrees (this is especially evident in figures 5 or 9; figure 9 shows 2 different bends, the angles of which add to approximately 120 degrees).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs have multiple bends to form a curvature greater than 90 degrees as taught by Anderson, so that the clip is more secure. The motivation to combine is that having multiple bent portions to form a curvature greater than 90 degrees, as opposed to a single bent portion with a straight portion, is a more secure connection.

Regarding claim 41, Brown et al. does not disclose that the leg is bent about at least a portion of a bottom surface of the housing.

Anderson et al teaches a blade retaining clip which is bent about at least a portion of the bottom surface, as seen in figures 1, 5, and 9.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown by making the legs bend around a portion of the bottom surface as taught by Anderson, so that the clip is more secure. The motivation to combine is that having a bent portion as opposed to a straight portion is a more secure connection.

Regarding claim 42, Brown et al meets all the limitations of the claim except that the clip be aluminum. Brown is silent as to the composition of the clip, and does not teach away or prohibit the use of Aluminum, or any other material. Examiner took official notice that it is well known and notorious in the art to make razor clips from aluminum,

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because they will not rust in the previous office action dated 4/18/2006, and applicant has not traversed or otherwise objected to Examiner's notice. This constitutes an admission by applicant that it is known to make razor clips from aluminum.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify the clips by making them out of aluminum, since aluminum will not rust, which is important to a wet razor.

Furthermore, it has been held to be within the general skill of a worker in the art to select a known material on the basis of suitability for the intended use as a matter of obvious mechanical design expediency. *In re Leshin*, 125 USPQ 416.

Regarding claim 43, Brown et al. further teaches a metal clip that was formed by crimping. Crimping is defined as pressing into folds or curves, which is how the clip 16 of Brown was formed.

Furthermore, the method of forming the device is not germane to the issue of patentability of the device itself. The limitation has been given patentable weight, as far as it infers structure in the clip.

In the office action dated 4/18/2006, Examiner took official notice that crimping is well known and notorious for making metal components. Applicant did not traverse this notice, and therefore is *considered to have admitted that crimping is a well known and notorious process*.

Regarding claims 85 and 87-89, the combination of Brown and Rozenkranc meets the limitations of these claims. The housings of Brown and Rozenkranc both have tops and bottoms, and when the trimming blade assembly is configured as in

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Rozenkranc, it defines a cutting region mounted along the rear edge of the bottom surface of the housing. (see the figures of Rozenkranc). The cutting blade also then is facing away from the top surface. (see figures 1 and 2A) Since the connection of Brown is by a clip having legs depending into apertures in the housing, it follows that the same method would be applied to the attachment of the obvious addition- the trimming blade of Rozenkranc in addition to the blade carrier of Brown. See also *In re Japikse*, 86 USPQ 70 which held that rearranging the parts of an invention involves only routine skill in the art.

Regarding claims 90 and 91, the discussion above makes clear that each limitation of the claim is met by the combination. Having clips extend to the bottom surface is an obvious variation of having clips extend only partially through. There are reasons one would select either making it a design choice. One may select not extending them through to reduce the risk of exposed clip edges, and one may extend them through to allow for secure hold and disassembly capability. Defining two pairs of apertures is implicitly disclosed in the Brown reference, as one of ordinary skill would recognize the front aperture, the fact that there is a corresponding rear aperture, and the fact that there is a corresponding set of apertures on the half of the razor not shown in the figures of Brown. One of ordinary skill, are capable of inferring this from the disclosure of Brown. The claimed slot of claim 90 is the same as the claimed opening of claim 30, discussed above.

Provision of a slot is not inventive. Slots are known where a designer wishes an element to extend through something. This is common sense.

4. Claims 22, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc in view of Anderson further in view of Parmley as applied to claims 13-14, 16-21 and 30 above, and further in view of Rozenkranc (USPN 6,276,061).

Brown in view of Rozenkranc in view of Anderson does not disclose that the elastomeric member have fins.

Rozenkranc additionally teaches a razor with an elastomeric member having fins(6 figure 1).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown in view of Anderson by making the elastomeric member have fins as taught by Rozenkranc, to provide better skin stretching capabilities. The motivation to combine is that having an elastomer configured as fins will better stretch the skin, preparing it for a shaving operation.

Regarding claim 23, Brown teaches having the elastomeric member be longer than the blade edge, therefore if it were modified to be comprised of fins, the fins would be longer than the blades proximal to the blade edge.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Brown in view of Anderson by making the elastomeric member have fins extending the full length of the existing elastomeric member proximal to the blade edges as taught by Rozenkranc, to provide better skin

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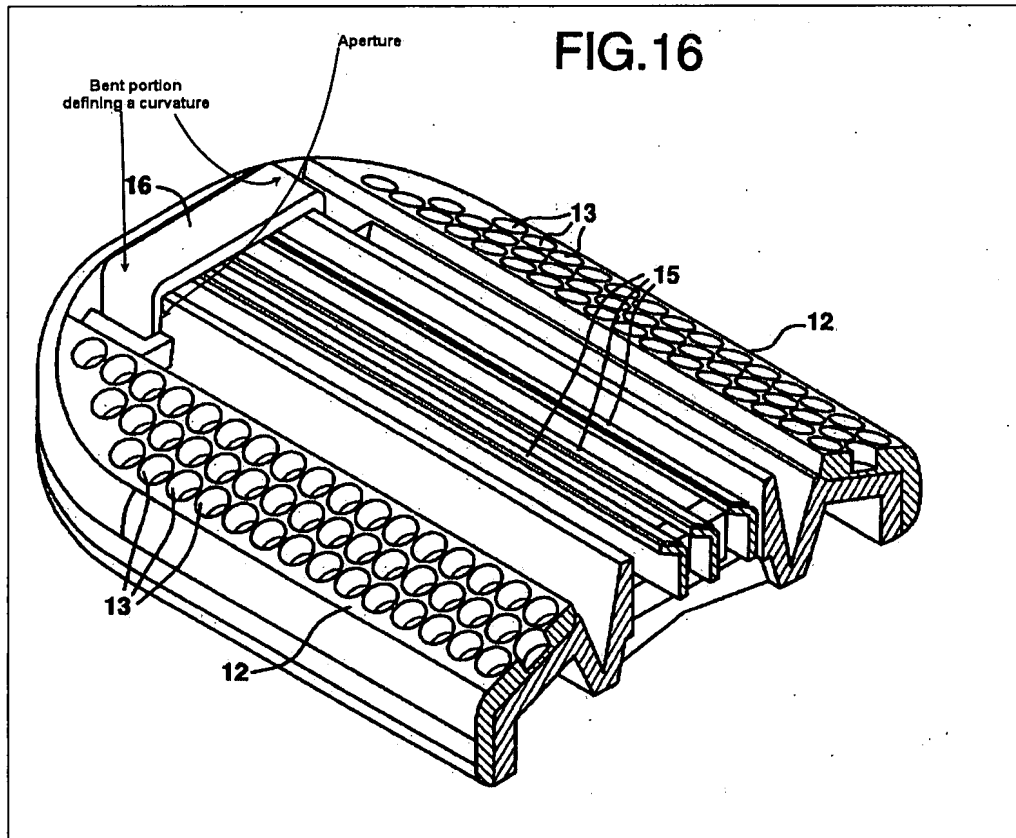
stretching capabilities. The motivation to combine is that having an elastomer configured as fins will better stretch the skin, preparing it for a shaving operation.

Regarding claim 24, The combination of Brown et al. in view of Anderson in further view of Parmley in further view of Rozenkranc teaches having fin length measured parallel to the blade axis vary from shortest farthest from the blades to longest proximal the edges of the blades. This is because Brown shows the elastomeric member being shortest where it is furthest from the blades and longest where it is proximal to the blades, and modifying Brown to provide it with elastomeric fins would automatically result in the claimed configuration of fins.

Response to Arguments

5. Applicant's arguments filed 7/09/2007 have been fully considered but they are not persuasive.

Regarding applicants contention that Brown does not disclose a clip depending into an aperture, this is not true, see below:



This argument is wholly unpersuasive.

Regarding applicants contention that "the clip clearly does not extend into the central opening in which the blades are positioned" this is incorrect, as shown above. The clip clearly defines a bent portion, as seen in figure 14, 15 and 16, the clip is bent at right angles proximal the front and rear portions of the housing.

Applicant presents statements regarding what is believed to be the teachings of the secondary references, however these are so narrow in nature as to be wholly

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unreasonable. The Graham inquiries set forth a flexible line of inquiry, wherein a fact-finder may reflect upon multiple teachings, inherent teachings, and implications of a viewing of multiple teachings that would be readily apparent to one of ordinary skill at the time of the invention. The arguments against the references individually are lacking in substance.

Applicants statement that "Parmley does not disclose... an attachment system in which a leg of a clip extends through an aperture or opening,...". Is meaningless, since examiner did not rely on the reference to teach those things. The reliance upon Parmley should be clear as above, in the body of the rejections. Parmley does give information regarding the level of ordinary skill in the art. The rejection involving Parmley is clear, and the argument against the reference individually as lacking a teaching of legs extending through an opening is moot, in view of the fact that Brown teaches this feature.

See DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co., 80 USPQ2d 1641 (Fed. Cir. 2006), which states that "the suggestion test is not a rigid categorical rule. The motivation **need not be found in the references sought to be combined**, but may be found in any number of sources, **including common knowledge**, the prior art as a whole, or **the nature of the problem itself**. *In re Dembiczak*, 175 F.3d 994, 999 [50 USPQ2d 1614] (Fed. Cir. 1999). As we explained in *Motorola, Inc. v. Interdigital Tech. Corp.*, 121 F.3d 1461, 1472 [43 USPQ2d 1481] (Fed. Cir. 1997), 'there is no requirement that the prior art contain an express suggestion to combine known elements to achieve the claimed invention. Rather, the

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suggestion to combine may come from the prior art, as filtered through the knowledge of one skilled in the art.' " (emphasis added).

6. The Supreme Court in *KSR International Co. v. Teleflex Inc. et al.* No. 04-1350, 550 U.S. ____ (2007), 82 USPQ2d at 1396, foreclosed the argument that a specific teaching suggestion or motivation is **required** to support a showing of obviousness. See the Board decision *Ex parte Smith* –USPQ2d–, slip op at 20, (Bd. Pat. App. & interf. June 25, 2007). However, provision of a motivation, teaching or suggestion may still be used to establish a prima facie case of obviousness.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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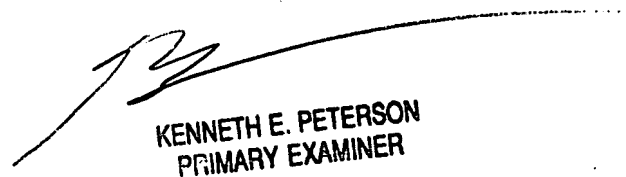
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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